RESTORE Act Environmental Checklist Department of the Treasury

OMB Approval Number 1505-0250

Directions: The following questions will aid the applicant in identifying the environmental laws that may apply to the eligible activity and the environmental documents that may be required from listed agencies and submitted with the grant application. Follow up to the questions should be listed in the table located on the last page of the checklist. Treasury will use the submittals to record the Applicant's assertion that it has complied with applicable environmental laws. Please note: if links do not work, either cut and paste the link or use a different browser.

PROPOSED PROJECT NAME:

The NEPA requires that all federal agencies use a systematic, interdisciplinary approach for protection of the human environment; this approach will ensure the integrated use of the natural and social sciences in any planning and decision-making that may have an impact upon the environmental Review may be required based on the answers to the following questions: Will the proposed activity be under the permitting authority of any federal agency? Yes No No Will the proposed activity be subject to any federal regulatory decision or approval? Yes No No				
The NEPA of 1969 (42 U.S.C. 4321 et seq.) provides a national policy that encourages "productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man The NEPA requires that all federal agencies use a systematic, interdisciplinary approach for protection of the human environment; this approach will ensure the integrated use of the natural and social sciences in any planning and decision-making that may have an impact upon the environment. The NEPA also requires the preparation of a detailed Environmental Impact Statement (EIS) on any major federal action that may have a significant impact on the environment. An Environmental Review may be required based on the answers to the following questions: 1) Will the proposed activity be under the permitting authority of any federal agency? Yes No 2) Will the proposed activity receive federal assistance (other than RESTORE Act funding)? Yes No 3) Will the proposed activity be subject to any federal regulatory decision or approval?	FEDER	AL LAWS		
Yes No Will the proposed activity receive federal assistance (other than RESTORE Act funding)? Yes No Will the proposed activity be subject to any federal regulatory decision or approval?	The NI enjoya elimina The NI of the science NEPA federa	EPA of 1969 (42 U.S.C. able harmony between ate damage to the envertee that all features in any planning and also requires the preparation that may have	4321 et seq.) provides a national policy that encourages "productive and man and his environment; to promote efforts which will prevent or vironment and biosphere and stimulate the health and welfare of man" ederal agencies use a systematic, interdisciplinary approach for protection this approach will ensure the integrated use of the natural and social d decision-making that may have an impact upon the environment. The paration of a detailed Environmental Impact Statement (EIS) on any major a significant impact on the environment. An Environmental Review may	
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Yes No Will the proposed activity be subject to any federal regulatory decision or approval?		Yes	No	
3) Will the proposed activity be subject to any federal regulatory decision or approval?	2)	Will the proposed act	civity receive federal assistance (other than RESTORE Act funding)?	
		Yes	No	
Yes No	3)	Will the proposed act	civity be subject to any federal regulatory decision or approval?	
		Yes	No	

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 1505-0250. Comments concerning the time required to complete this information collection, including the time to review instructions, search existing data resources, gathering and maintaining the data needed, and completing and reviewing the collection of information, should be directed to the Department of the Treasury, Office of Gulf Coast Restoration, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

If the answer to any of these questions is "yes," contact the relevant federal agency or agencies for further guidance on environmental compliance. Further guidance concerning NEPA can be found at NEPA | National Environmental Policy Act - Home https://ceq.doe.gov/

	Yes	No		
	prepared for this pro	pposed eligible activity?		
4)	Has any environmental review (e.g., NEPA documentation or state or tribal equivalent) beer			

If yes, please attach a copy of the documentation to this checklist.

1.2. COASTAL ZONE MANAGEMENT ACT (CZMA)

A federal consistency determination or certification pursuant to Section 307 of the Coastal Zone Management Act may be required from the state coastal zone management program, based on the answers to the following questions:

Will the proposed activity occur in or near the state designated coastal zone? https://coast.noaa.gov/czm/media/StateCZBoundaries.pdf

Yes No

2) Is the activity likely to have reasonably foreseeable effects on any land or water use or natural resource of the designated coastal zone?

Yes No

If the answer to either of these questions is "yes," contact the State Coastal Zone Management Program, https://coast.noaa.gov/czm/about/?redirect=301ocm for further guidance on federal consistency requirements in your state. Further guidance on federal consistency can be found at https://coast.noaa.gov/czm/consistency/

1.3 ENDANGERED SPECIES ACT (ESA)

A consultation pursuant to Section 7 of the Endangered Species Act and/or a permit and conservation plan pursuant to Section 10 may be required based on the answers to the following questions:

 Will the proposed activity occur in proximity to threatened or endangered species or critical habitat as defined by the ESA and under the jurisdiction of the National Marine Fisheries Service (NMFS),),

<u>Species and Critical Habitat Found in the Southeast Region :: Southeast Regional Office</u> or the U.S. Fish and Wildlife Service (USFWS), <u>IPaC: Home</u>

Yes No

2)	Will the proposed activity potentially affect threatened or endangered species or critical				
	habitat as defined by the ESA and under the jurisdiction of NMFS or USFWS? See				
	http://sero.nmfs.noaa.gov/protected resources/section 7/effects guidance/endangered spe				
	cies act section 7 effects determination web guidance final.pdf for further information.				

Yes No

If the answer to either of these questions is "yes," or you are unsure, contact the appropriate ecological services field office of the USFWS, https://www.fws.gov/offices/ and/or the Office of Protected Resources Program of the NMFS, http://www.nmfs.noaa.gov/pr/index.htm, to determine if consultation is required. Most consultations are conducted informally with the federal agency or a designated non-federal representative. Non-federal representatives may be involved in the informal consultation process and may request and receive species lists, prepare the biological assessment, and provide information for the formal consultation. However, the action agency is required to formally designate the non-federal representative in writing. Moreover, the ultimate responsibility for Section 7 obligations remains with the federal action agency. Further guidance concerning Section 7 consultations can be found in the Endangered Species Act Consultation Handbook at Centralized Library, Final Section 7 Consultation Handbook: U.S. Fish and Wildlife Service https://www.fws.gov/policy/m0002.html Further guidance concerning Section 10 permits and conservation plans for activities involving threatened or endangered marine and anadromous species can be found at http://www.nmfs.noaa.gov/pr/permits/ESA permits.html . For terrestrial or freshwater species or land-based sea turtle activities, further guidance concerning section 10 permits and habitat conservation plans can be found at https://www.fws.gov/endangered/esa-<u>library/index.html</u>

1.4 MIGRATORY BIRD TREATY ACT AND BALD AND GOLDEN EAGLE PROTECTION ACT

The Migratory Bird Treaty Act makes it illegal for anyone to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or the parts, nests, or eggs of such a bird except under the terms of a valid permit issued pursuant to Federal regulations. The migratory bird species protected by the Act are listed in 50 C.F.R. 10.13. The Bald and Golden Eagle Protection Act prohibits anyone, without a permit issued by the Secretary of the Interior, from "taking" bald eagles [or any golden eagle], including their parts, nests, or eggs. The Act defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." A permit may be required based on the answers to the following questions:

based	on the answers	to the following questions:		
1)	Will the proposed activity affect any migratory bird species protected by the Migratory BirdTreat Act?			
	Yes	No		
2)	• •	Will the proposed activity affect any bald or golden eagles protected by the Bald andGolden Eagle Protection Act?		
	Yes	No		

If the answer to either question is "yes" or you are unsure, contact the appropriate ecological services field office of the USFWS.

https://www.fws.gov/birds/policies-and-regulations/permits/regional-permit-contacts.php. More information can be found at

https://www.fws.gov/birds/policies-and-regulations/laws-legislations/migratory-bird-treaty-act.php and https://www.fws.gov/birds/policies-and-regulations/laws-legislations/bald-and-golden-eagle-protection-act.php

1.5 MAGNUSON – STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT (FCMA) Consultation with the NMFS may be required if Essential Fish Habitat (EFH) is present and based on the answers to the following questions:

1)	Will the proposed activity occur in proximity to Essential Fish Habitat as identified by the Protected Resources Program? , http://www.nmfs.noaa.gov/sfa/management/councils/			
	Yes	No		
2)	Will the proposed activity potentially adversely affect EFH?			
	Yes	No		

If the answer to either of these questions is "yes" or you are unsure, contact the Office of Protected Resources Program of the NMFS, http://www.nmfs.noaa.gov/pr/index.htm, or Regional Fishery Management Council, http://www.fisherycouncils.org/, to determine if consultation is required. Further guidance concerning EFH can be found at, http://www.habitat.noaa.gov/index.html. Information about consultations can be found in the Essential Fish Habitat Consultation Guidance at http://www.habitat.noaa.gov/pdf/efhconsultationguidancev1 1.pdf.

1.6 MARINE MAMMAL PROTECTION ACT (MMPA)

A permit may be required if an activity will result in the "take" of a marine mammal. Taking is defined as "to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal." Permits for most marine mammals are issued by NMFS. Manatees, polar bears, sea otters, walruses, and dugongs, however, are under the jurisdiction of the USFWS.

ana a	agongs, nowever, are	ander the jurisdiction of the OSI WS.		
1)	Will the proposed activity occur in proximity to any known marine mammals? http://www.nmfs.noaa.gov/pr/species/mammals/ or https://ecos.fws.gov/ipac/			
	Yes	No		
2)	Will the proposed activity likely result in the take of a marine mammal?			
	Yes	No		
ıf +ba	anguar to aithar of th	oso questions is "ves" or you are unsure, contact the NMES O		

If the answer to either of these questions is "yes" or you are unsure, contact the NMFS Office of

Protected Resources Program http://www.nmfs.noaa.gov/pr/ or the appropriate USFWS ecological services office https://www.fws.gov/offices/ to determine if a permit is required. Further guidance concerning marine mammal permits can be found at http://www.nmfs.noaa.gov/pr/permits/mmpa permits.html

1.7 MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT (MPRSA)

Titles I and II of the Marine Protection, Research, and Sanctuaries Act (MPRSA), also referred to as the Ocean Dumping Act, generally prohibits (1) transportation of material from the United States for the purpose of ocean dumping; (2) transportation of material from anywhere for the purpose of ocean dumping by U.S. agencies or U.S.-flagged vessels; (3) dumping of material transported from outside the United States into the U.S. territorial sea. A permit may be required based on the answer to the following question:

1) Does the proposed activity involve an activity covered by the MPRSA?

Yes No

If the answer to this question is "yes," contact the Environmental Protection Agency's (EPA) Office of Wetlands, Oceans, and Watersheds/Oceans and Coastal Protection Division for further guidance https://www.epa.gov/aboutepa/about-office-water or https://www.epa.gov/aboutepa/about-office-water water#wetlands. Further guidance about permits under the MPRSA can be found at https://www.epa.gov/laws-regulations/summary-marine-protection-research-and-sanctuaries-act

1.8 NATIONAL MARINE SANCTUARIES ACT

Each National Marine Sanctuary has its own unique set of regulations. There are some regulatory prohibitions that are typical for many sanctuaries: 1) discharging material or other matter into the sanctuary; 2) disturbance of, construction on or alteration of the seabed; 3) disturbance of cultural resources; and 4) exploring for, developing or producing oil, gas or minerals (with a grandfather clause for preexisting operations). A permit may be required from the National Oceanic and Atmospheric Administration (NOAA) based on the answer to the following question:

 Is the proposed activity located in a National Marine Sanctuary? http://sanctuaries.noaa.gov/about/regions.html

Yes No

If the answer to this question is "yes" contact the nearest Regional Office of NOAA's National Marine Sanctuaries Program for further guidance http://sanctuaries.noaa.gov/about/southeast.html

1.9 CLEAN WATER ACT (CWA)

A separate type of permit is required to dispose of dredge or fill material in the Nation's waters, including wetlands. Authorized by Section 404 of the Act, this permit program is administered by the U.S. Army Corps of Engineers (USACE), subject to and using environmental guidance from the EPA. Some types of activities are exempt from permit requirements, including certain farming, ranching, and forestry

practices that do not alter the use or character of the land; some construction and maintenance; and activities already regulated by States under other provisions of the Act. A permit may be required from the USACE based on the answer to the following question:

1) Will the proposed activity result in any disposal of dredge or fill material to the nation's waters or wetlands?

Yes No

If the answer to this question is "yes," contact the Regulatory Program of the nearest District Office of the USACE_for further guidance on Section 404 permits at http://w3.saj.usace.army.mil/permits/HQAvatar/

A Water Quality Certification (Section 401) is required for activities that may result in a discharge into navigable waters, including wetlands, watercourses, and natural or man-made ponds. A National Pollution Discharge Elimination System (NPDES) permit may also be required for such discharges.

1) Will the proposed activity result in any discharge to navigable waters?

Yes No

If the answer to this question is "yes," contact your state water quality agency for additional guidance. Further guidance concerning Section 401 or NPDES requirements can be found at http://www.epa.gov/owow/wetlands/waterquality and https://www.epa.gov/npdes

1.10 CLEAN AIR ACT (CAA)

Special conditions may be required on projects that could affect air quality, based on the answer to the following question:

1) Will the proposed activity result in any direct or indirect emissions within a non-attainment area? http://www3.epa.gov/airquality/greenbook/define.html

Yes No

If the answer to this question is "yes," contact the nearest state air quality agency at http://www.4cleanair.org/ for further guidance on determining conformity with the state implementation plan.

1.11 NATIONAL HISTORIC PRESERVATION ACT (NHPA) AND THE ARCHAEOLOGICAL AND HISTORIC PRESERVATION ACT (AHPA)

Special conditions may be required on projects that could affect historic resources, based on the answer to the following question:

1)	Will the proposed activity occur near property listed or eligible for listing in the National Register
	of Historic Places http://www.nps.gov/nr or near property otherwise protected by section 106 of
	the National Historic Preservation Act http://www.achp.gov/work106.html or a similar State
	Preservation Act?

Yes No

If the answer to this question is "yes," or you are unsure, contact your state historic preservation office http://ncshpo.org/ for further guidance concerning compliance requirements.

1.12 COASTAL BARRIER RESOURCE ACT (CBRA)

Federal funding may be prohibited for projects that occur on certain designated coastal barriers, based on the answer to the following question:

1) Is the proposed activity located on an undeveloped coastal barrier designated by the Coastal Barriers Resources Act?

https://www.fws.gov/ecological-services/habitat-conservation/coastal.html

Yes No

If the answer to this question is "yes," contact the appropriate USFWS ecological services office for further guidance at

https://www.fws.gov/ecological-services/habitat-conservation/cbra/PDF/field offices contact.pdf

1.13 RIVERS AND HARBORS ACT

A permit may be required from the USACE based on the answer to the following question:

1) Will the proposed activity involve any work (including structures) that will occur in, over or under navigable waters of the United States?

Yes No

If the answer to this question is "yes," contact the Regulatory Program of the nearest District Office of the USACE at http://w3.saj.usace.army.mil/permits/HQAvatar/index.htm for further guidance on Section 10 permits. The USACE can authorize activities by a standard individual permit, letter-of-permission, nationwide permit, or regional permit. The USACE will make the determination on what type of permit is needed.

1.14 RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)

A RCRA permit may be required from the EPA or designated state agency based on the answer to the following question:

1) Will the proposed activity include the long-term storage, treatment, or disposal of hazardous materials or petroleum products?

Yes No

If the answer to this question is "yes," contact the nearest RCRA Regional Office of the EPA or state authorized agency for further guidance on RCRA compliance at https://www.epa.gov/compliance/resource-conservation-and-recovery-act-rcra-compliance-monitoring

1.15 COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA) Special provisions and requirements may apply based on the answer to the following question,

1) Will the proposed activity involve a Superfund site? https://www.epa.gov/superfund

Yes No

If the answer to this question is "yes," contact the nearest Regional Office of the EPA for further guidance on CERCLA requirements at https://www.epa.gov/aboutepa/visiting-regional-office

1.16 WILD AND SCENIC RIVERS ACT

The Wild and Scenic Rivers Act prohibits federal support for actions such as the construction of dams or other instream activities that would harm the free-flowing condition, water quality, or outstanding resource values of a designated Wild and Scenic River. There are designated rivers in the Gulf Coast States and the Act may apply based on the answer to the following question:

 Is the proposed activity located on a designated Wild and Scenic River? https://www.rivers.gov/index.php

Yes No

If the answer to this question is "yes," contact the appropriate USFWS ecological services office for further guidance at https://www.fws.gov/where/

1.17 SAFE DRINKING WATER ACT

A permit may be required if the proposed activity will involve underground injection which may impact drinking water sources and based on the answer to the following question:

1) Will the proposed activity involve underground injection, which may impact drinking water sources?

Yes No

If the answer to the question is "yes," contact the nearest state drinking water or underground injection control program at https://www.epa.gov/uic. For further guidance, see https://www.epa.gov/uic/underground-injection-control-regulations-and-safe-drinking-water-act-provisions

1.18 FARMLAND PROTECTION POLICY ACT (FPPA)

Projects are subject to FPPA requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are completed by a Federal agency or with assistance from a Federal agency. The project may be subject to the FPPA based on the answer to the following question:

1) Will the proposed activity irreversibly convert farmland (directly or indirectly) to nonagricultural use?

Yes No

If the answer to the question is "yes," contact your local office of the Natural Resources Conservation Service (NRCS) or USDA Service Center for further guidance at http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/landuse/fppa/

EXECUTIVE ORDERS

Executive Orders are directives from the President of the United States to federal agencies and officials.

2.1 E.O. 11988 AND E.O. 13690 - FLOODPLAIN MANAGEMENT

Executive Order 11988, as amended by Executive Order 13690 requires that an eight-step process be followed for projects that may have potential impacts to or within floodplains.

1) Is the proposed activity located in a designated floodway or "V-zone" on a National Flood Insurance Program map? http://msc.fema.gov/portal

Yes No

If the answer to this question is "yes," contact the nearest Regional Office of the Federal Emergency

Management Agency for further guidance at

http://www.fema.gov/national-flood-insurance-program-bureau-statistical-agent-regional-support-offices

2.2 E.O. 11990 and E.O. 12608 - WETLAND PROTECTION

This Executive Order requires agencies to avoid providing assistance for new construction located in wetlands unless there is no practicable alternative to such construction, and that the proposed action includes all practicable measures to minimize harm to wetlands, which may result from such use. The Executive Order defines wetlands: "(c) The term "wetlands" means those areas that are inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds." https://www.fws.gov/wetlands/Data/Mapper.html

For further guidance, contact the appropriate ecological services field office of the USFWS https://www.fws.gov/wetlands/NWI/RWC.html

1) Is any portion of the project proposing a new construction activity in wetlands?

Yes No

If the answer to this question is "yes," provide documentation in the grant application demonstrating that (1) there is no practicable alternative and (2) the proposed activity includes all practicable measures to minimize harm to wetlands.

2.3 E.O. 12898 – ENVIRONMENTAL JUSTICE

This Executive Order requires that "each federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations."

1) Will the proposed activity have disproportionately high and adverse human health or environmental effects on minority or low-income populations?

Yes No

If the answer to this question is "yes," see the Council on Environmental Quality website for further guidance on Environmental Justice at https://ceq.doe.gov/nepa information/justice.html

2.4 E.O. 13089 - CORAL REEF PROTECTION

This Executive Order requires that any actions that are authorized or funded by federal agencies not degrade the condition of coral reef ecosystems. Some of the Gulf Coast States contain coral reef ecosystems and include National Marine Sanctuaries http://sanctuaries.noaa.gov/

1) Will the proposed activity involve a coral reef ecosystem or National Marine Sanctuary?

Yes No

If the answer to this question is "yes," contact the National Oceanic and Atmospheric Administration Coral Reef Conservation Program for further guidance at http://coralreef.noaa.gov/ Further guidance regarding Executive Order 13089 can be found at https://ceq.doe.gov/nepa/regs/eos/eo13089.html

2.5 E.O. 13112 - INVASIVE SPECIES

This Executive Order requires agencies to prevent the introduction of invasive species and provide for their control.

1) Will the proposed activity have the potential to introduce or cause the spread of an invasive species?

Yes No

If the answer to this question is "yes," provide documentation demonstrating that the benefits of the activity clearly outweigh the potential harm caused by invasive species, and that all feasible and prudent measures to minimize risk of harm will be taken in conjunction with the actions. For further guidance on invasive species, see http://www.invasivespeciesinfo.gov/index.shtml or https://www.fws.gov/invasives/

2.6 E.O. 13186 – RESPONSIBILITIES OF FEDERAL AGENCIES TO PROTECT MIGRATORY BIRDS

This Executive Order requires the incorporation and promotion of migratory bird conservation considerations into all agency activities. The Gulf Coast States contain North American migration flyways.

1) Is the proposed activity likely to occur during a time of the year when migrating birds are in the vicinity?

Yes No

If the answer to this question is "yes," contact the appropriate USFWS ecological services office for further guidance at https://www.fws.gov/where/. Further guidance regarding Executive Order 13186 can be found at https://www.fws.gov/birds/jolicies-and-regulations/executive-orders.php

2.7 E.O. 13653 – PREPARING THE UNITED STATES FOR THE IMPACTS OF CLIMATE CHANGE

This Executive Order requires federal agencies to identify and support smarter, more climate- resilient investments by States, local communities, and tribes, including by providing incentives through agency guidance and grants.

1) Will the proposed activity incorporate elements that promote climate-resilience (e.g., to rising sea levels)?

Yes No

If yes, include a brief description of the climate-resilient elements in the grant application proposed activity description. Executive Order 13563 can be found at

https://www.gpo.gov/fdsys/pkg/FR-2015-03-25/pdf/2015-07016.pdf

For further guidance, see https://www.whitehouse.gov/administration/eop/ceq/sustainability

Tracking Report Status

Report the status of your contact with required agencies/tribes on the table below which coincides with the environmental laws outlined in the checklist. Provide the date of contact, name of agency/tribe contacted, location, and any necessary permit, certification, or other determination or mitigation proposed by the agency/tribe. If none, state so.

Status of Contact Table

Federal law as listed Date of Name of Location Permit, certification,

	in checklist	contact	agency/tribe contacted		determination ormitigation required
L					
Certification Signature of Authorized Senior Official:					
N	Name: Date:				

Title: _____ Organization: _____